

**IVINS CITY
PLANNING COMMISSION
MINUTES
August 4, 2015
435-628-0606**

WELCOME AND CALL TO ORDER

- 1) **Staff Attending:** Kevin Rudd-Building and Zoning Administrator, Dale Coulam-City Manager/Attorney, and Sharon Allen-Deputy City Recorder.

Audience Attending: Robert Nickerson, David Lynn, Martin Nohr, DeAnne Haut, Laura Lee, as well as others that did not sign in.

CHAIRMAN AND COMMISSIONERS: The meeting was called to order at 05:30 p.m. All present included **Chairman Jeff Loris, Commissioner Lance Anderson, and Commissioner Bryan Pack.** Commissioners Mike Scott and Adel Murphy were excused.

A. **Acknowledgement of Quorum**

B. **Flag Salute--Commissioner Bryan Pack**

C. **Invocation--Chairman Jeff Loris**

D. **Disclosures**

Commissioner Lance Anderson stated that he has a Final plat for Taviawk Subdivision Phase XI-K. **Chairman Jeff Loris** stated that he did the structural draft and design of the Walker Casita.

2) **REPORTS AND PRESENTATIONS --None**

3) **BUSINESS LICENSES -None**

4) **PUBLIC HEARING AND ACTION ITEMS**

A. **Public Hearing on a proposed Class IV Conditional Use Application for a Casita/Guesthouse located at 327 Painted Hills Drive. Charles and Kay Walker, Owner. Signature Homes of Utah. Applicant.**

Kevin Rudd stated that this was a Conditional Use Permit application for a detached casita at an existing home. It is under 600 sq ft. The architecture blends with the home and it is under 15 feet. It complies with all the requirements and Staff recommends approval.

Chairman Jeff Loris opened the Public Hearing. **Bob Nickerson** inquired what the definition in City Code for off-street parking of casitas/guesthouses. Does it have to be paved? Can the driveway suffice for a parking space? **Kevin Rudd** stated that there are two parking spaces required for the primary dwelling. So with a casita, it would have to have three parking spaces, and the driveway is considered their parking. It also has a three car garage. It does meet those requirements. Hearing no more comments, **Chairman Jeff Loris** closed the Public Hearing.

B. **Discuss and consider approval on a proposed Class IV Conditional Use Application for a Casita/Guesthouse located at 327 Painted Hills Drive. Charles and Kay Walker, Owner. Signature Homes of Utah, Applicant.**

Chairman Jeff Loris stated that he sees no problems. **Kevin Rudd** stated that **Adel Murphy** pointed out this home showed up on VRBO-Vacation Rental By Owner website, and it doesn't show the address, but the home is apparently being rented out longer than 30 days. That's no basis to deny the casita, but the owner will be required to sign a casita deed restriction and it will be recorded. At that time we will talk to the owner and let him know what the regulations are for Ivins City. They cannot rent the home or the casita short-term. The casita cannot be

rented period. Anyone can rent their home for 30 days or longer. Short-term rentals will not be allowed in any existing subdivisions. This is in Citadel Subdivision.

MOTION: Commissioner Bryan Pack moved to approve proposed Class IV Conditional Use Application for a Casita/Guesthouse located at 327 Painted Hills Drive. Charles and Kay Walker, Owner. Signature Homes of Utah, Applicant.

SECOND: Commissioner Lance Anderson

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Lance Anderson	AYE
Commissioner Bryan Pack	AYE

C. Public Hearing on Proposed Amendments to Ivins City Zoning Ordinance to add a Short-Term Rental Overlay District, to amend Table of Uses regarding Development Standards for Re-17.5 and RE-15.0, and to amend the Zoning Districts Map to add a Short-Term Rental Overlay District and a Historic Township Overlay District.

Kevin Rudd stated that the City Council will be amending the Land Use Plan to have a short-term rental overlay on the Land Use Plan as well as the Historic Township overlay for this City block. They have voiced approval of that, so we need to prepare a zoning ordinance to go forward. Our zoning map has no place showing the Historic Township yet. It will go on this City block. The Land Use Plan shows it, but not the zoning. It will go block by block where people can come in and propose regulations for their particular block where the Land Use Plan allows it. Right now this would be in the old township. We have already made a recommendation for that to the City Council. The Short-Term Rental Overlay District will only be allowed in residential zones and be placed on a parcel when presented with an application. The applicant owns the parcel at approximately Main and 800 S. When he comes in with a project plan, once approved, we would put the overlay on it. This document will regulate what that plan should be. Staff believes that with regulations, this subdivision would be regulated easily. The current text is what the Commission has already looked at. We received comments from the applicants' attorney that were grammar changes and they were concerned about the owner/manager being responsible for illegal conduct. **Dale Coulam** stated that the manager could be held responsible under Code Enforcement but not criminally for the actions of homeowners. We should clarify that. **Kevin Rudd** stated that they were also asking for a shorter wall on the interior and wrought iron on the outside to make it more appealing. That fence provides a screening buffer. There is a landscape buffer on the street-side. The property line on the interior would require a 6-foot fence. The perimeter should be a minimum of 5 feet for the fence. This is a commercial application so it should be consistent. He stated the short term rental use chart shows it is allowed in all residential and Class V CUPs and overlay districts. The zoning map legend adds the short-term and historic township overlay districts. Re-17.5 is the zone and the table of uses didn't have any info in the columns. So staff filled in the blanks on RE-17.5 and RE-15 and realized that the minimum lot width is 80 feet. The side yard setback was 15 feet and we reduced that down to 10 feet on both zones. **Chairman Jeff Loris** opened the Public Hearing. **DeAnne Haut** and **Laura Lee** both opposed to short-term rental option because they were concerned about the short-term rentals upkeep and inquired as to what benefit these held for the City? **Dale Coulam** stated that it provides a legal form of short-term rentals. They are happening illegally now, so this is a way to control it and provide a hotel tax to the City. It is a specific type of housing, a hotel alternative. He stated that we have the thumbs-up nod from Council that the Land Use Plan will allow short-term rentals. The Commission is now working on text to regulate those short-term rentals. If the

Council changes their mind then this all becomes void. **Dave Lynn** stated there will be an HOA on top of rentals so that the units will be taken care of. It will not be defunct. He stated his concerns on the fencing on Main Street and 800 South. Being closed off on all four sides is not inviting. **Kevin Rudd** stated that regarding the short term dwellings becoming run down the City doesn't regulate maintenance on a single family dwelling. This ordinance requires the subdivision to keep them landscaped and in good condition and the City would have enforcement to keep them landscaped well. Each home has a business license. The City actually will have more control. All the cities are struggling with short-term rentals and how to allow them. Existing subdivisions would not be able to get short-term rentals. This provides another type of housing and a legal way do it. Hearing no more comments, **Chairman Jeff Loris** closed the Public Hearing.

D. Discuss and consider recommendation on Proposed Amendments to Ivins City Zoning Ordinance to add a Short-Term Rental Overlay District, to amend Table of Uses regarding Development Standards for RE-17.5 and RE-15.0, and to amend the Zoning Districts Map to add a Short-Term Rental Overlay District and a Historic Township Overlay District.

Commissioner Lance Anderson inquired on the fencing on the roads if they allow more landscape back, if they could then shorten their fence. **Chairman Jeff Loris** stated that Amber Estates and Shadow Canyon are going to be backyards to all of those houses. Each subdivision backs onto a major or minor arterial street. There should be a 6 foot masonry fence so people have privacy in their backyards. **Kevin Rudd** stated that when we lower the regulations, then all the neighbors want to raise their fences. **Commissioner Lance Anderson** stated if there is a park, can there be a break in the fence? **Commissioner Bryan Pack** stated that it needs to be consistent with residential and that means a 6 foot wall. **Commissioner Lance Anderson** stated that he is visualizing any open space near the road, etc. **Kevin Rudd** stated that on Item D it states that all rental amenities shall be located on the interior. They must provide minimal open space 200 sq ft per unit. They can get a density bonus credit, but it would be a designated open space area, some sort of park setting. **Chairman Jeff Loris** stated that they can combine the areas. **Kevin Rudd** stated they meet the requirement because of the perimeter they are going to do. It could be a clubhouse, a swimming pool. It will be counted towards their bonus. If they have open space against the perimeter it couldn't be a park, not playground equipment because it has to be located in the interior.

MOTION: Commissioner Bryan Pack moved to approve recommendation on Proposed Amendments to Ivins City Zoning Ordinance to add a Short-Term Rental Overlay District, to amend Table of Uses regarding Development Standards for RE-17.5 and RE-15.0, and to amend the Zoning Districts Map to add a Short-Term Rental Overlay District and a Historic Township Overlay District. As amended.

SECOND: Commissioner Lance Anderson

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Lance Anderson	AYE
Commissioner Bryan Pack	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of a Final plat for Taviawk Subdivision Phase XI-K located at approximately 473 W. Tearsinab Way. RT Marten/Kayenta Homesites, Owner and Lance Anderson, Applicant.

Dale Coulam stated that **Commissioner Lance Anderson** has disclosed this item, and the final plat is really just a formality. He doesn't see any reason to prevent this from being approved tonight. **Commissioner Lance Anderson** stated that he will vote. **Chairman Jeff Loris** saw no changes. **Commissioner Bryan Pack** has no concerns. **Kevin Rudd** stated that TRC has reviewed this and it does conform with the preliminary plan and Staff recommends approval.

MOTION: Commissioner Bryan Pack moved to approve Final plat for Taviawk Subdivision Phase XI-K located at approximately 473 W. Tearasinab Way. RT Marten/Kayenta Homesites, Owner and Lance Anderson, Applicant.

SECOND: Chairman Jeff Loris

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Lance Anderson	AYE
Commissioner Bryan Pack	AYE

B. Discuss and consider approval of the Ivins City Planning Commission minutes for July 14, 2015.

MOTION: Commissioner Bryan Pack moved to approve Ivins City Planning Commission minutes for July 14, 2015.

SECOND: Chairman Jeff Loris

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Lance Anderson	AYE
Commissioner Bryan Pack	AYE

6) REPORTS

A. Planning Commission

B. Chairman

C. Building & Zoning Administrator, Kevin Rudd

D. City Attorney, Dale Coulam

E. Items to be placed on future agendas

Dale Coulam stated that the Mayor would like to clean up the Zoning Ordinance and bring it up to date. 2005 was the last update.

7) ADJOURNMENT

MOTION: Commissioner Lance Anderson moved to approve 7) ADJOURNMENT

SECOND: Commissioner Bryan Pack

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Lance Anderson	AYE
Commissioner Bryan Pack	AYE